Regulatory Analysis

Notice of Intended Action to be published: 481—Chapter 965
"Licensure of Employers for Sign Language Interpreters and Transliterators"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 147, 154E and 272C

State or federal law(s) implemented by the rulemaking: Iowa Code chapters 17A, 147, 154E and 272C

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

November 20, 2024	6200 Park Avenue
11 a.m.	Des Moines, Iowa

Information on virtual participation will be available on the Department of Inspections, Appeals, and Licensing's website prior to the hearing.

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Department no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

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Purpose and Summary

This proposed rulemaking implements Iowa Code chapter 154E as amended by 2024 Iowa Acts, House File 2232. Chapter 965 sets forth minimum licensure requirements for employers of sign language interpreters and transliterators. Iowa residents, licensees, and employers benefit from the rules because they articulate the processes by which employers apply for licensure as employers of sign language interpreters or transliterators in the state of Iowa, as directed in statute. This includes the processes for initial licensure, renewal, and reinstatement. These requirements ensure public safety by ensuring that the employers employ individuals who have minimum competency. Requirements include the application process and examination requirements.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

- **Classes of persons that will bear the costs of the proposed rulemaking:**

There is no direct cost to the general public, but there is a cost to the applicant because complying with the minimum requirements to enter into the professions is at the expense of the licensee.

The employer will be the license holder. There are no educational requirements to become an Iowa sign language interpreter or transliterator, but applicants must pay application fees and pass an examination. The examination fees are approximately $250 to $500, depending on the type of examination. Iowa licensing fees are comparable to surrounding states.

Costs to the Department are for the staff time needed to manage Board of Sign Language Interpreters and Transliterators activities, which include managing applications for initial licenses, renewals, reactivations, and reinstatements. Staff salaries to support the work of the Board are covered by the Licensing and Regulation Fund established in 2023 Iowa Acts, Senate File 557. It takes roughly 0.35 full-time equivalent (FTE) position to review application materials. Licensing fees go to the fund to cover the operations of the regulated professional licensing boards.

- **Classes of persons that will benefit from the proposed rulemaking:**

Employers will hold the license and employ their own interpreters, who can interpret for their employees without having to hold licensure in every state. The rulemaking will allow employers to hire fewer interpreters, to have interpreters more readily available, and likely to keep the employers' costs lower. Having interpreters readily available may also benefit employees who are consumers.

2. **Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:**

- **Quantitative description of impact:**

The costs for examination required are $250 to $500, depending on which examination the applicant takes. Licensing fees for individual licensees are $120 for an initial license and $120 for each renewal period. If the business is licensed, it will incur one licensing fee.

- **Qualitative description of impact:**

Businesses will hold licenses and employ their own interpreters for the businesses' employees without requiring the interpreters to hold their own licenses. This provides the businesses with more flexibility, increased availability, and possibly lower costs. The interpreters are still required to meet licensing standards in Iowa, and employers are tasked with verifying that information and providing required verification to the State.

3. **Costs to the State:**

- **Implementation and enforcement costs borne by the agency or any other agency:**

Costs to the Department are for the staff time needed to manage Board activities, which include managing applications for initial licenses, renewals, reactivations, and reinstatements. Staff salaries to support the work of the Board are covered by the fund. It takes roughly 0.35 FTE position to review application materials. Licensing fees go to the fund to cover the operations of the regulated professional licensing boards.

- **Anticipated effect on state revenues:**

Costs associated with implementing these proposed rules are paid by individual licensees, not the State. These rules have no anticipated impact on state revenues.

Staff salaries to support the work of the Board are covered by the fund. Licensing fees go to the fund to cover the operations of the regulated professional licensing boards.

4. **Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:**

Licensing is the highest form of regulation. Lower forms of regulation, such as registration, could be viable. As of 2022, there were 22 states that do not license sign language interpreters, though some have other regulations. The Board believes all current requirements ensure public safety and ensure a minimum competency of care is provided to Iowans.

Allowing a business a license to employ its own interpreters to interpret for its employees will likely decrease the business's costs and allow the business increased flexibility.

5. **Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:**

The Board has not identified a more cost-effective alternative to the licensure of sign language interpreters and transliterators. Requiring only the business to be licensed, rather than the employees, is a less restrictive alternative. The business license will be less costly for the business and interpreters.

6. **Alternative methods considered by the agency:**

- **Description of any alternative methods that were seriously considered by the agency:**

This rulemaking is proposed as a result of a legislative mandate.

- **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

Due to the state government alignment, this Board is now part of the Department. The Department's Licensing Division continues to assess and implement opportunities to increase efficiencies and standardize board processes across all professional licensing boards. These rules support this effort.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

This rulemaking may have little impact on some small businesses, but if the businesses have an interpreting need, the ability to have a business license may decrease some of the businesses' costs.

Text of Proposed Rulemaking

ITEM 1. Adopt the following **new** 481—Chapter 965:

CHAPTER 965
LICENSURE OF EMPLOYERS FOR SIGN LANGUAGE
INTERPRETERS AND TRANSLITERATORS

481—965.1(154E) Definition. For the purpose of these rules, the following definition will apply:

"Employer" means an employer that employs a person to provide interpreting or transliterating services to the employer's employees.

481—965.2(154E) Requirements for licensure.

965.2(1) A person employed by an employer licensed pursuant to this chapter to provide interpreting or transliterating services to the employer's employees is not required to be licensed pursuant to this chapter, but shall meet the requirements for licensure under Iowa Code section 154E.3.

965.2(2) The following criteria apply to licensure:

a. Employers will submit a completed online licensure application and pay the nonrefundable fee.

b. Employers will submit the following information pertaining to their employed interpreters or transliterators:

(1) First and last name.

(2) Proof of passing one of the examinations as outlined in 481—paragraph 961.2(1)*"b."*

c. Required information for new interpreters or transliterators will be submitted by the employer to the board office within 30 days of hire.

481—965.3(154E) License renewal.

965.3(1) The biennial license renewal period for a license will begin on July 1 of an odd-numbered year and end on June 30 of the next odd-numbered year. The licensee is responsible for renewing the license prior to its expiration.

965.3(2) A licensee who was issued a license within six months of the license renewal date will not be required to renew the license until the subsequent renewal date two years later.

965.3(3) A licensee applying for renewal will:

a. Provide attestation that the licensee's employees providing interpreting or transliterating services meet the continuing education requirements as provided in 481—Chapter 962; and

b. Submit the completed renewal application and renewal fee.

965.3(4) A two-year license will be issued after the requirements of this rule are met. In the event the board receives adverse information on the renewal application, the board will issue the renewal license but may refer the adverse information for further consideration or disciplinary investigation.

965.3(5) Late renewal. The license will become late when the license has not been renewed by the expiration date on the renewal. The licensee will be assessed a late fee as specified in 481—subrule 507.18(4). To renew a late license, the licensee will complete the renewal requirements and submit the late fee within the grace period.

965.3(6) Inactive license. A licensee whose license is inactive continues to hold the privilege of licensure in Iowa but cannot practice until the license is reactivated.

481—965.4(17A,147,272C) License reactivation. To apply for reactivation of an inactive license, a licensee needs to:

965.4(1) Submit a completed online licensure application and pay the nonrefundable fee; and

965.4(2) Submit the following information pertaining to the licensee's employed interpreters or transliterators:

a. First and last name.

b. Proof of passing one of the examinations as outlined in 481—paragraph 961.2(1)*"b."*

481—965.5(17A,147,272C) License reinstatement. A licensee whose license has been revoked, suspended, or voluntarily surrendered must apply for and receive board-approved reinstatement of the license and must apply for and be granted reactivation of the license prior to employing sign language interpreters or transliterators in this state.

481—965.6(154E,272C) License discipline. The board may impose any of the disciplinary sanctions provided in Iowa Code section 272C.3 when the board determines that the licensee is guilty of any of the acts or offenses listed in 481—Chapter 504 or 481—Chapter 963.

These rules are intended to implement Iowa Code chapter 154E.